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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,966	04/14/2000	Randolph Michael Forlenza	AUS000072US1	9041

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/549,966

Applicant(s)

FORLENZA ET AL.

Examiner

HUNG Q PHAM

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 6, 7, 13, 14, 20 and 21.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: Notice of References Cited PTO-892.

ALFORD KINDRED
PRIMARY EXAMINER

As argued by applicant in the Request for Reconsideration filed on 12/30/2003:

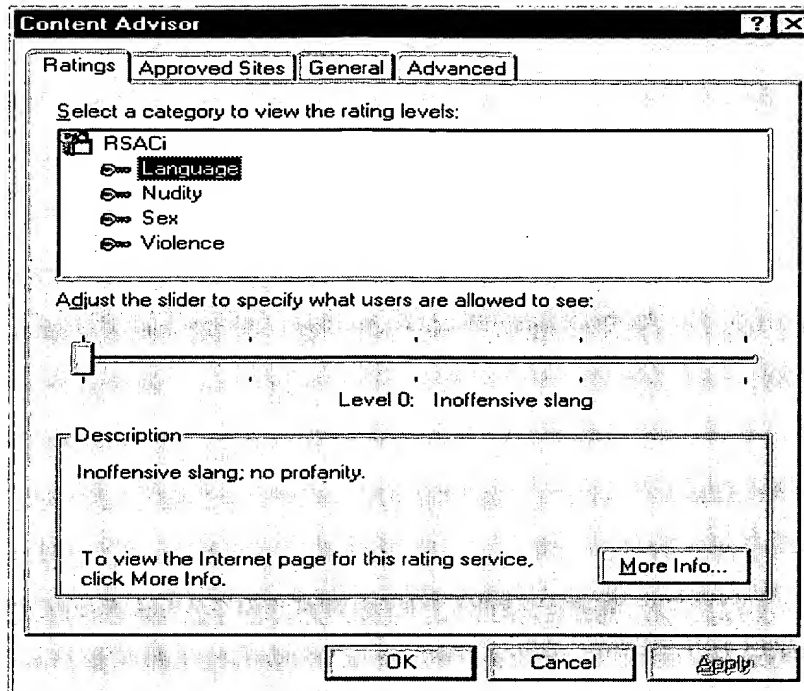
The Examiner argues that this element is shown by Internet Explorer 4 in combination with Microsoft Chat. However, neither the reference provided by the Examiner in the present office action ("Internet Explorer 4 for Windows for Dummies"), nor the screen shots provided within the office action, makes any teaching or suggestion that the "Content Advisor" functionality of Internet Explorer 4 applies in any manner to Microsoft Chat. The Examiner has not presented any evidence, except that Internet Explorer 4 included the Content Advisor. Applicants shall assume that such content-specific filtering is enabled within the HTTP engine of the Internet Explorer browser, but Applicants specifically dispute the Examiner's assertion that such content-specific filtering is performed in any manner in the Microsoft Chat program.

Examiner respectfully traverses because of the following reason:

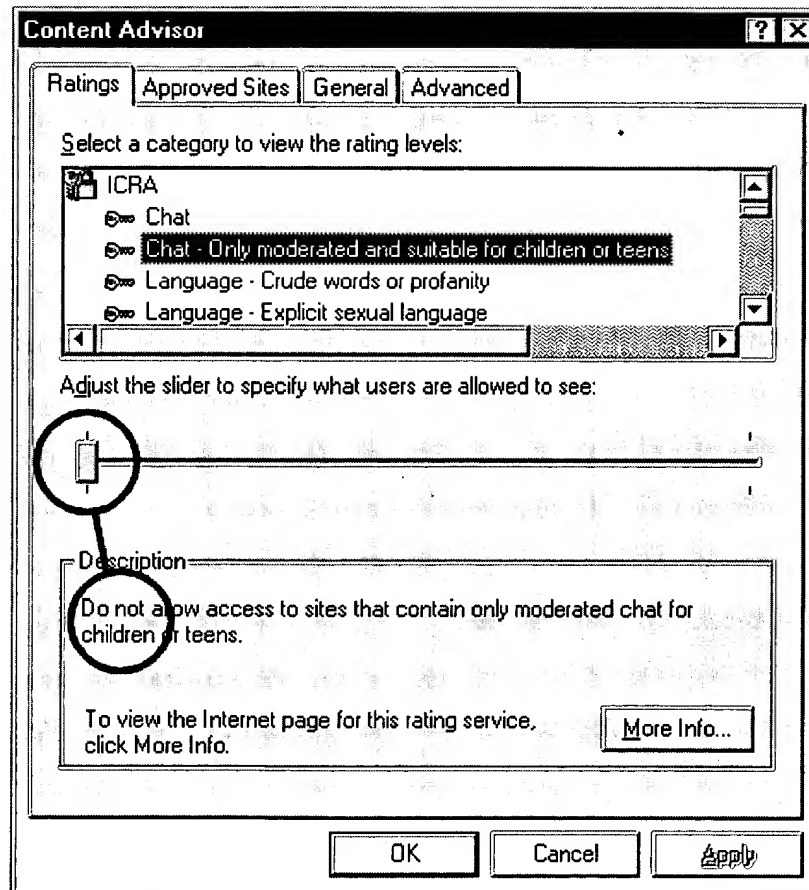
In order to rate a Web site, a Web master has to answer a list of questions about the level, nature and intensity of the sex, nudity, violence or offensive language. The completed questionnaire is then submitted to the RSAC for producing the html advisory tags for the Web site/page.

Before having a chat in the Internet by using Microsoft Chat as a communication program, a user has to be on the Web site that homes the chat room. Based on the set up of Internet Explorer and the rating level of the Web site that homes the chat room, a chat by using Microsoft Chat could be restricted as discussed in the Office Action.

In addition, in 1999, RSAC was folded into a new organization, the Internet Content Rating Association (ICRA) and the categories that filtered by RSAC including chat. In order to install ICRA, a user could open Internet Explorer and go to Tools > Internet Options > Content > Enable to have the screen below and click More Info and follow the instruction to update RSAC to ICRA



And the ICRA control chat as below



As argued by applicant:

Thus, whether or not Internet Explorer 4 or Microsoft Chat imply at least two communication programs employing different communication protocols, the Examiner has failed to present evidence that the prior art taught or suggested "setting access controls for at least two of the communication programs," as is recited in claim. 6. Moreover, there does not appear any motivation or suggestion in Internet Explorer 4 to combine or modify Internet Explorer 4 to include such Content Advisor functionality to the Microsoft Chat program. Consequently, Applicants respectfully submit that the Examiner has not presented a prima facie case of obviousness and that the rejection of claim 6 under Section 103 should be withdrawn.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP § 2142-2143.

In response to applicant's argument that there is no suggestion, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, if the explanation above does not apply, the obviousness is in the knowledge generally available to one of ordinary skill in the art. Because the Content Advisor is to help a user control the communication over the Internet via communication tools such as email, chat... . Microsoft Chat is part of Internet Explorer. Obviously, the rating levels when apply to Internet Explorer should apply to Microsoft Chat also in order to help parents control the children to a particular chat room.

As discussed above, examiner believes that claims 6-7, 13-14 and 20-21, especially claim 6 cannot be defined over the Internet

Explorer. Therefore, the request for allowance is respectfully traverses.